

REMARKS / ARGUMENTS

I. General Remarks

Claims 1-64 are currently pending in the application.

II. Objection to the Specification

The Examiner has objected to the Specification as failing to recite the U.S. Patent Number for the parent patent application. Applicant has amended the Specification, and respectfully requests the withdrawal of the Examiner's objection thereto.

III. Rejection of Claims 25-45 Under 35 U.S.C. § 112, first paragraph

Claims 25-45 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses.

With respect to those claims, the Examiner writes:

It is not clear as to how applicant can produce hydrocarbons using the drilling fluid of the invention. How can one produce hydrocarbons by just drilling a well bore using a drilling fluid? It would appear that one would be releasing hydrocarbons or recovering hydrocarbons not producing them. Clarification is requested.

Office Action ¶ 2 (mailed Aug. 30, 2004).

Applicant respectfully submits that the term "produce" is a term of common usage in the art, and that the use of this term sufficiently enables one skilled in the art to make and use the invention. *See* 35 U.S.C. § 112 ("The specification shall contain a written description of the invention . . . in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same . . ."). In the petroleum industry, the term "production" is defined as "the removal of petroleum from a subsurface reservoir by wells." *See* NORMAN J. HYNE, DICTIONARY OF

PETROLEUM EXPLORATION, DRILLING, AND PRODUCTION 396 (1991) (copies of the cited pages from this text are enclosed for the Examiner's convenience). A person skilled in the art of this invention would be aware of this usage, and would recognize that the subject matter of claims 25-45 indeed enables hydrocarbons to be produced. Accordingly, Applicant respectfully asserts that claims 25-45 fully comply with the enablement requirement of the first paragraph of 35 U.S.C. § 112. Applicant respectfully requests the withdrawal of the rejection currently imposed against claims 25-45, and earnestly solicits the timely issuance of a Notice of Allowance for these claims.

IV. Rejection of 1-45 and 55 under 35 U.S.C. § 112, second paragraph

Claims 1-45 and 55 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses.

A. Rejection of Claim 1

With respect to claim 1, the Examiner writes:

[T]he use of the phrase "second fluid" renders the claim confusing as it seems to suggest the presence of a "first fluid" however no first fluid is positively recited. Is applicant meaning the setttable fluid to be considered a "first fluid"? Clarification is requested.

Office Action ¶ 4 (mailed Aug. 30, 2004).

Applicant respectfully submits that the phrase "second fluid" is sufficiently definite for compliance with 35 U.S.C. § 112. During examination, the words of a patent claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *See* MPEP § 2111.01 (citations omitted). This ordinary meaning may be evidenced by a variety of sources, including dictionaries. *See id.* (citations omitted). Moreover, if more than one definition of a term is possible, the claim terms may be construed to encompass

all consistent meanings. *See id.* (citations omitted). The Oxford English Dictionary defines the word “second” as meaning “another; additional to that which has already existed, taken place, been mentioned, etc.” *See THE OXFORD ENGLISH DICTIONARY* at 826 (2d ed. 1989) (definition 4a). (Copies of the cited pages from this text are enclosed for the Examiner’s convenience.) Here, the word “second” is used to describe and distinguish the fluid being displaced (the “second fluid”) as “another fluid,” distinct from the displacement fluid (the fluid performing the act of displacing). When given this plain meaning interpretation, the phrase “second fluid” is sufficiently definite to satisfy the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, against claim 1 and all claims dependent therefrom. Applicant earnestly solicits the timely issuance of a Notice of Allowance for these claims.

B. Rejection of Claims 15, 40, and 55

With respect to claims 15, 40, and 55, the Examiner writes that “the use of the term ‘desired’ renders the claim vague and indefinite.” Office Action ¶ 4 (mailed Aug. 30, 2004). Applicant respectfully submits that this language is sufficiently definite to comply with 35 U.S.C. § 112. “The fact that claim language . . . may not be precise, does not automatically render the claim indefinite under 35 U.S.C. § 112, second paragraph. Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification.” *See* MPEP § 2173.05(b) (citations omitted). For example, a limitation such as “an effective amount” has been held to be sufficiently definite when read in light of the supporting disclosure and in the absence of any prior art which would give rise to uncertainty about the scope of the claim. *See* MPEP § 2173.05(c) (citing *Ex parte Skuballa*, 12 U.S.P.Q.2d 1570 (Bd. Pat. App. & Inter. 1989)). Here, Applicant is aware of no prior art that

would create any uncertainty as to the scope of the subject claims. Rather, one of ordinary skill in the art readily would ascertain, in light of Applicant's disclosure, that "an amount sufficient to provide the desired degree of solids suspension" (as recited in claims 15, 40 and 55) is an amount effective to accomplish the objectives of that particular use from among those described in the specification. Accordingly, Applicant respectfully asserts that the use of the term "desired" in the subject claims satisfies the requirements of 35 U.S.C. § 112, second paragraph. Applicant respectfully requests the withdrawal of the rejection thereunder against claims 15, 40, and 55, and earnestly solicits the timely issuance of a Notice of Allowance for these claims.

C. Rejection of Claim 25

With respect to claim 25, the Examiner writes that "it is unclear as to how hydrocarbons are producing using the drilling fluid." Office Action ¶ 4 (mailed Aug. 30, 2004). Applicant respectfully asserts that the term "production," as defined in Section II, *supra*, is a term of art understood by those skilled in the art and therefore sufficiently definite to satisfy the requirement set forth in the second paragraph of 35 U.S.C. § 112. *See* MPEP § 2173.02 ("Definiteness of claim language must be analyzed, not in a vacuum, but in light of . . . the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made."). Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, against claim 25 and all claims dependent therefrom. Applicant earnestly solicits the timely issuance of a Notice of Allowance for these claims.

IV. Rejection of Claims 1-64 Based on Double Patenting

Claims 1-64 stand rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 6,689,208 ("the

'208 Patent"). Submitted herewith is the appropriate Terminal Disclaimer in compliance with 37 C.F.R. § 1.321 disclaiming the appropriate term. Consequently, Applicant submits that the double-patenting rejection has been overcome, and requests the withdrawal of the rejection, and the timely issuance of a Notice of Allowance for claims 1-64.

SUMMARY

In light of the above remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections. Applicant further submits that the application is now in condition for allowance, and earnestly solicits timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicant has included Check No. 907203 for the terminal disclaimer fee of \$110.00 under 37 C.F.R. § 1.20(d). However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicant respectfully requests that the Commissioner accept this as a Petition Therefore, and direct that any additional fees be charged to Baker Botts L.L.P. (*formerly Baker & Botts, L.L.P.*) Deposit Account No. 02-0383, Order Number 063718.0432.

Respectfully submitted,

BAKER BOTTS L.L.P. (023640)

By: _____



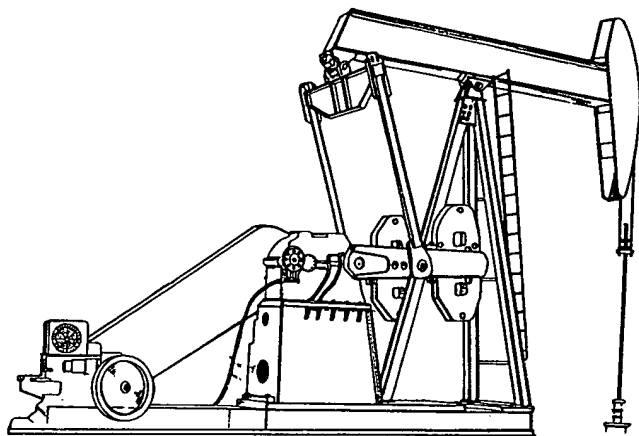
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Dictionary of Petroleum Exploration, Drilling, & Production.

Norman J. Hyne, Ph.D.



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associated gas. During mud logging, produced gas is the gas that flows into a well as the well is being drilled, the same as if the gas were being produced from a completed well.

produced water water that is produced from a well along with oil and gas. The subsurface water associated with gas and oil reservoirs is called oilfield brine. The waters are often described by their dissolved salts in both concentration, usually in parts per million, and chemical composition. The composition is described by their dominate mineral ions. Type a has sulfate-sodium, Type b has bicarbonate-sodium, Type c has chloride-magnesium, and Type d has chloride-calcium waters. Type d is most common. The composition of the water can be shown by using Tickell, Parker, or Stiff methods and diagrams.

producer 1) a well that will flow commercial amounts of gas and/or oil. *Prod* 2) any owner of an economic interest in a well. Producers includes working, royalty, overriding, and net profits interest owners.

Producer's 88 a general term for a lease form. Producer's 88 was originally a lease form printed by Burkhart Printing Company in Tulsa, Oklahoma in 1916 as a lease (number 88) for Producer Oil Company that later became synonymous with all lease forms. (*88 lease*)

producible well a well capable of producing petroleum in paying quantities. The well may not be presently producing due to lack of permanent production or transportation facilities.

producibility-index log a calculated well log that shows effective porosity and percent porosity filled with clays. Low clay content is indicative of high permeability.

producing gas/oil ratio the number of standard cubic feet of gas produced at the surface of a well per stock tank barrel of oil at a specific time. The gas includes both free gas and solution gas. The producing gas/oil ratio is usually reported in SCF/SRTB or SCM/STCM. (*instantaneous total gas/oil ratio*)

producing platform *see production platform*

producing well a well that produces petroleum in a field. A producing well is in contrast to an injection, service, or plugged and abandoned well

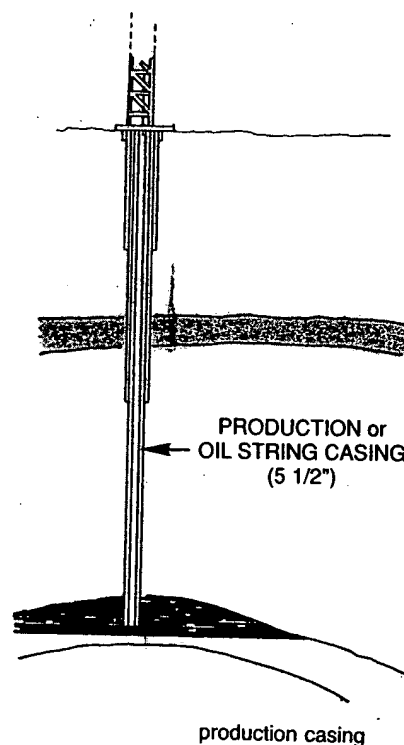
producing zone the vertical extent of the reservoir producing gas and/or oil in a well. The producing zone can be named after the producing formation or by its depth and thickness. (*pay zone, pay, production, or productive horizon or pay*)

production 1) the removal of petroleum from a subsurface reservoir by wells 2) oil or gas wells 3) oil and/or gas produced from wells 4) the part of the petroleum industry that is concerned with bringing gas and oil to the surface and separating, gauging, storing, and preparing it for transport *Prod or prod*

production casing *see production string*

production ceiling the maximum production that a field, county, or region obtains due to a) technical, b) production-sharing, c) government reasons

production combination tool a tool used on high flow rate wells that combines a) a continuous



flowmeter, b) a fullbore spinner, c) a gradiometer, d) a manometer, and e) a thermometer *PCT*

production cost factor an economic evaluation tool for a project that is computed by adding the capital cost of exploring, drilling, and production and dividing by the estimated oil production in barrels per day

production costs the cost of lifting the oil and gas together with its gathering, treating, and storing

production facility the equipment such as separators, treaters and compressors that separate a well stream into its oil, gas, and water phases and processes them into marketable products or disposes of them

production foreman an employee of the oil producer who supervises lease operations. The production foreman coordinates all lease work through the pumpers or head roustabouts. The production foreman also supervises the completion of new wells, well servicing and workovers, and the installation of any new equipment on the leases. The production foreman works under the field superintendent. (*field foreman or lease superintendent*)

production horizon *see production zone*

production index $\frac{S_1}{S_1 + S_2}$ from Rock-Eval pyrolysis *PI*

production in paying quantities production of enough oil and/or gas for the operator to make a profit above operating costs

production island an artificial island, usually made of gravel or larger particles, that is constructed to accommodate producing wells in shallow water

production license an exclusive agreement between a country and a party for that party to search and produce petroleum from a block or concession.

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Prepared by

J. A. SIMPSON *and* E. S. C. WEINER

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seclusion (s'i'klu:ʒən). [ad. med.L. *seclusionem* (Diefenb.), f. L. *seclūs-*, *seclūdēre*: see SECLUDE v.]

1. The action of secluding; *exclusion* (obs.). 1623 COCKERAM *i*, *Seclusion*, a shutting apart. 1664 OWEN *Vind. Animad. Fin. Lux* xviii. 450 Nor can I gather that... you suffered... for your... love to Monarchy: Seeing some of you would have been contented with its everlasting Seclusion. c1680 *Let. in Somers Tracts* (1748) I. 131. I think it both unreasonable and unjust, for any Subject of England to attempt his Seclusion from the Crown. 1808 in *Encycl. Brit.* (1885) XIX. 748/2 Recognizing the importance of attempting reformation by the seclusion, employment, and religious instruction of prisoners.

attrib. 1895 *Low Times* 13 July 258 An inmate was subjected to the discipline of a 'seclusion cell'.

2. The condition or state of being secluded; an instance of this. *in seclusion*, apart from society.

1784 COWPER *Task* III. 675 Oh, blest seclusion from a jarring world, Which he, thus occupied, enjoys! 1794 MRS. RADCLIFFE *Myrt. Udolpho* xxx. Several days passed with Emily in total seclusion. 1856 STANLEY *Sinai & P.* I. (ed. 3) 96 The elevation and seclusion of some of its edifices, perched high among almost inaccessible rocks. 1872 J. G. MURPHY *Comm., Levit.* xii. Introduct. The period of seclusion after child-bearing. 1886 RUSKIN *Præterita* I. 427 Brought up... in severe seclusion.

3. A place or abode in which one is secluded.

1791 MRS. RADCLIFFE *Rom. Forest* iv. La Motte had now passed above a month in this seclusion. 1829 I. TAYLOR *Enthus.* viii. 196 There was certainly as much piety without as within these seclusions—and much more learning. 1859 HAWTHORNE *Marb. Fawn* viii. A seclusion, but seldom a solitude; for... all who breathe Roman air, find free admission. 1884 SINNETT *Esoteric Buddhism* ix. 148 They have sometimes been isolated in separate seclusions.

seclusionist (s'i'klu:ʒnɪst). [f. SECLUSION + -IST.] One who advocates seclusion; applied, e.g. to the supporters of monasticism, and (*Hist.*) to a Chinese or a Japanese who is adverse to the admission of foreigners to his country.

1839 I. TAYLOR *Ancient Chr.* I. iv. 521 The Jewish seclusionists well understood... that a community of goods was impracticable. 1886 *Atlantic Monthly* Nov. 604 If the progressionists had not seized the reins of government (in Korea), the seclusionists would soon have had everything their own way. 1887 *Fortn. Rev.* May 677 Now [in Japan]... it would probably be difficult to find so much as one genuine seclusionist. *Ibid.*, The head of the seclusionist party.

seclusive (s'i'klu:sɪv), *a.* [As if ad. L. **seclūsivus*, f. *seclūs-*, *seclūdēre*: see SECLUDE v.]

1. Serving or tending to seclude; disposed to seclude oneself, affecting seclusion.

a1834 COLERIDGE (Worcester 1860). 1834 I. TAYLOR *Sat. Even.* 274 Religion or the devotional part of it is... by its necessary condition seclusive. 1890 F. BARRETT *Between Life & Death* I. ii. 29 Her ways were odd and seclusive. 1894 J. T. FOWLER *Adamnan* Introduct. 38 On the top a palisade and quick hedge for seclusive enclosure. 1903 *Daily Chron.* 2 Feb. 4/6 The Royal Society electing him to their seclusive membership.

2. *Sc. Law.* Exclusive of.

1855 *Deed in Law Rep.* 9 App. Cases 304 In lienfer for her lienfer alimentary use of the annual proceeds thereof alienably, and seclusive of the jus mariti (of her husband).

Hence seclusively *adv.*, seclusiveness.

1822 *Examiner* 347/2 [The picture] Landscape with fall of water, &c. is poetical seclusiveness. 1883 W. JOLLY *Life J. Duncan* xxxix. 466 The enclosing hills seemed to shut out the cottage more seclusively from the world. 1885 J. M. LUDLOW in *Homil. Rev.* Apr. 282 What we may call their [Jewish Rabbins] seclusiveness of thought.

†**seclusory**. *Obs.*—[ad. L. *seclūsorium*, f. *seclūs-*, *seclūdēre*: see SECLUDE v. and -ORY.] (See quot.)

1656 BLOUNT *Glossogr.* *Seclusory*, a place where any thing is shut up a part from other; a Coop.

sec-mod (sek mod). Colloq. abbrev. of *secondary modern* s.v. SECONDARY *a.* 5f.

1968 *Listener* 28 Mar. 421/2 The wretched life-style on offer to most sec-mod school-leavers. 1973 *Times* 31 May 10/7 Black and white kids, in their sec-mod school uniform.

seco- ('sekəu). *Chem.* [f. L. *sec-āre* to cut + -O.] A formative element used in naming derivatives, esp. of steroids, in which fission of a ring has occurred (see quot. 1951). Hence also as quasi-*adj.*

1951 R. S. CAHN et al. in *Jrnl. Chem. Soc.* 3535 Ring fission, with addition of a hydrogen atom at each terminal group thus created, shall be indicated by the prefix *seco*, the original steroid numbering being retained. 1959 L. F. & M. FISHER *Steroids* iv. 156 This was identified as the 2,3-seco-dicarboxylic acid, by saponification, oxidation to the 7-ketone, and Wolff-Kishner reduction to the known 2,3-secocholestan-2,3-dicarboxylic acid. 1961 I. E. BUSH *Chromatogr. Steroids* ii. 102 The opening of rings to form seco-dicarboxylic acids. *Ibid.* vi. 342 The C₁₀ triols... are oxidized to the 0-seco-16,17-dialdehydes. 1977 *Lancet* 16 Apr. 841/1 The physiological regulation of secretion of this seco-steroid by the kidney.

secobarbital (sekəu'ba:bitəl). *Pharm.* Chiefly U.S. [f. SECO(NDARY *a.* + BARBITAL.) = QUINALBARBITONE.

1952 *Analytical Chem.* XXIV. 1605/1 Considerable differences in the [optical density] ratios at various wave lengths are found with these barbiturates. For example, at

270 mμ butylallylone has the highest ratio, +0.81, followed by secobarbital +0.69. 1962 *New Scientist* 22 Feb. 426/1 Some results obtained with secobarbital... and other drugs are also mentioned. 1974 M. C. GERALD *Pharmacol.* xi. 205 Short-acting barbiturates such as secobarbital ('red devils'). 1976 *Billings* (Montana) *Gaz.* 11 July 9-A/1 In order on DAWN's list of drugs most frequently recorded in crisis situations... were heroin, marijuana, aspirin, LSD, secobarbital (...known as 'red devils').

secodont ('sekəudənt), *a.* *Zool.* [f. L. *sec-āre* to cut + Gr. *δodont-*, *δodonts* tooth.] Of a tooth: adapted or suited for cutting. Of an animal: having such teeth.

1891 FLOWER & LYDEKKER *Introd. Mammals* 32 Trituberculism differentiating into a secodont and a bunodont series, according as to whether the dentition becomes of a cutting or a crushing type. 1968 R. ZANGERL tr. *Peyer's Compar. Odontol.* 244 Both upper and lower carnassials (in modern carnivores) are secodont; that is, they have sharp cutting edges that run parallel to the edge of the jaw.

secohm ('sekəum). *Electr. Obs. exc. Hist.* [f. SEC(OND sb.) + OHM².] A name proposed for a unit of inductance.

1887 AYRTON & PERRY in *Nature* 9 June 131/2 Hence we are driven to suggesting a temporary name for the unit, and as the first three letters in 'second' are common to the name in English, French, German, Italian, &c., and ohm is also common, we venture to suggest 'secohm' as a provisional name. 1948 *Atlantic Monthly* May 613/2 The motion to adopt 'henry' as the name of this unit... was seconded by... Professor Ayrton, who had himself, a few years ago, proposed the word 'secohm' as being a proper name for the unit of inductance. 1963 JERRARD & McNEILL *Dict. Sci. Units* 127 The secohm was equal to the product of one legal ohm and one second and its magnitude was about the same as a henry.

secomoure, obs. form of SYCAMORE.

Seconal ('sekonæl, -əl). *Pharm.* Also *seconal*. [f. SECONDARY *a.* + AL(LYL).] A proprietary term for SECOBARBITAL. Also, a tablet of this.

1935 *Official Gaz.* (U.S. Patent Office) 23 July 727/2 Eli Lilly and Company, Indianapolis... *Seconal*. For products of secondary amyl allyl barbituric acid and the sodium salts thereof... useful as hypnotics. Claims use since Apr. 11, 1935. 1937 *Jrnl. Amer. Pharmacol. Assoc.* XXVI. 1248 It was concluded that 'Seconal' had a shorter duration of action and that its minimal anesthetic dose and minimal lethal dose were smaller than those of 'Sodium Amytal'. 1938 *Trade Marks Jnl.* 23 Feb. 218/1 Seconal. 1950 E. HEMINGWAY *Across River & into Trees* ii. 11 He was also anxious to lie down and take a seconal. 1958 'A. BRIDGE' *Portuguese Escape* xiii. 217 She swallowed some Seconal with a gulp of water. 1959 N. MAILER *Aduts. for Myself* (1961) 214 Drugging myself into sleep with an overload of seconal. 1965 G. MARK *Let.* 12 Oct. (1967) 68 At 8 we take two Seconals, three aspirin and a shot of LSD. 1973 M. AMIS *Rachel Papers* 176 'What did you give him?' 'Half a Mandie, a Seconal—I can't remember—and two Mogadon, I think.'

second ('sekənd), *sb.* Forms: 4, 6 seconde, 6-second. [a. F. *seconde*, ad. med.L. *secunda*, fem. of L. *secundus* SECOND *a.*, used ellipt. for *secunda minuta*, lit. 'second minute', i.e. the result of the second operation of sexagesimal division; the result of the first such operation (now called 'minute' simply) being the 'first' or 'prime minute' or 'prime' (see PRIME sb.²).]

The med.L. *secunda* is also represented by G. *sekunde*, Du. *seconde* fem. (whence Sw. *sekund* masc., Da. *sekund*). Med.L. has a neut. *secundum* (cf. *minutum* a minute), whence Sp. *segundo*, It. *secondo*.]

1. *Geom. (Astr., Geog., etc.)* A sixtieth part of a minute, $\frac{1}{60}$ th part of a degree. See MINUTE sb.¹ 2, DEGREE sb. 9.

c1391 CHAUCER *Astr.* i. 48 These degrees of signes ben everich of hem considered of 60 Myntes, & every Minute of 60 secondes. 1599 E. WRIGHT *Err. Navig.* D 2, Let the meridian (divided into degrees, minutes, seconds, &c.) roule vpon a straight line. 1713 J. WARD *Young Mathem. Guide* (ed. 2) 350 Every Circle is supposed to be divided into 360... Degrees; every Degree is sub-divided into 60 Parts call'd Minutes; and every Minute into 60 Seconds, &c. 1870 PROCTOR *Other Worlds* vii. 171 The star Alpha Centauri... exhibits... an annual parallax of one second.

2. *a.* In measurement of time: The sixtieth part of a minute, $\frac{1}{60}$ th of an hour. Now one of the base units of the International System of Units, and scientifically defined in terms of the frequency of a spectral transition of an isotope of caesium (see quot. 1968).

1588 A. KING tr. *Camisius' Catech.* g.viii. Ye cowrse of ye sone, quihik sence he bene obseruēt to be accompted in 365 days 5 hours 10 min to min to 16 seconds. 1695 CONGREVE *Love for Love* III. ix. At Ten a Clock, punctually at Ten. *Sir Samp.* To a Minute, to a Second; thou shalt set thy Watch, and the Bridgroom shall observe it's Motions. 1762 [W. YOUNG] *Treat. Weights & Meas.* 24 The pendulum which vibrates seconds at London, has been commonly esteemed 39.2 English inches. 1883 R. S. BALL in *Encycl. Brit.* XV. 668 [In the C.G.S. system] the unit of length is the centimetre, the unit of mass is the gramme, and the unit of time is the second. 1955 *Sci. Amer. Mar.* 52/2 Accordingly the International Committee is to define the second as: $\frac{1}{31,556,925,975}$ of the tropical year 1900. 1968 *Nature* 16 Nov. 651/1 The basic unit of time in the International System of Units, formerly identical with the astronomical second of ephemeris time, is now based on a natural periodicity of the caesium atom and is defined in the

following terms: 'the second is the duration of 9 192 631 770 periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of the caesium-133 atom'. 1975 *Oxf. Compan. Sports & Games* 975/1 This reduced the previous world records by half a second, the biggest single advance in the history of the events.

b. Used vaguely for an extremely short time, an 'instant'.

1825 SCOTT *Betrothed* iv. A momentum of speed which increased with every second. 1897 *Daily News* 14 June 5/7 There was a second's panic in the crowd. 1906 CHARL. MANSFIELD *Girl & Gods* xii. Do you mind if I slip away for just two seconds and take off this frock?

3. *attrib. and Comb.*, as second-foot, a unit of the rate of flow of water, equal to one cubic foot per second; second- (seconds-) hand, a hand or pointer of a timepiece indicating seconds; second- (seconds-) mark *Math.*, the character ", denoting a second or seconds (either of angle or of time); second- (seconds-) pendulum, a pendulum of a timepiece vibrating seconds; second pivot (see quot.); † second- (seconds-) watch, a timepiece indicating seconds.

1898 U.S. Dept. Agric. *Yearbk.* 1897 640 Where water is abundant, the duty has been known to be as low as 50 acres... to the 'second-foot. 1914 RIES & WATSON *Engin. Geol.* v. 250 The height of the black lines illustrates the relative quantity of water expressed in cubic feet per second, or second feet, occurring throughout the year. 1928 *Manch. Guardian Weekly* 31 Aug. 178/3 The assumption is that the main river, suitably fortified with levees, can carry rather less than 2,000,000 cubic feet of water per second (or 2,000,000 second feet as it is briefly described). 1979 PRINGLE in *Phil. Trans.* LI. 250 Upon looking at a watch, which had a 'second-hand',... he stopped me when I had counted 13 seconds. c1850 *Rudin. Nav.* (Weale) 41 Your watch... should be furnished with a seconds-hand. 1888 L.D. GRIMTHORPE in *Encycl. Brit.* XXIV. 398/1 In the chronograph watch there is, in addition to the centre seconds-hand, an independent seconds-hand which, when not in operation, stands at zero. 1888 JACOBI *Printers' Voc.* 'Seconds mark. 1763 MURDOCH in *Phil. Trans.* LIV. 31 A 'second-pendulum at the equator would be 39.154 inches long. 1837 WHEWELL *Hist. Induct. Sci.* (1857) II. 221 Determining the length of the seconds' pendulum in different latitudes. 1884 F. J. BRITTEN *Watch & Clock. Handbk.* 233 [The] 'Seconds Pivot... [is] the prolongation of the fourth wheel arbor to which the seconds hand of a watch is fixed. 1754 SMEATON in *Phil. Trans.* XLVIII. 537 A third observed, by a 'seconds-watch, the time taken up in running these 357 feet. 1763 SHORT *ibid.* LIII. 329 Each observer had a Second-watch in his hand.

second ('sekənd), *a.* and *sb.* Forms: 3-7 second(e, 4-5 seconde, 4, 6 seconde, 4-6 second, 5 secownde, seycond, 6 Sc. secunnd, sycond, 4-second. [a. F. *second* = Pr. *segon*, Sp., Pg. *segundo*, It. *secondo*, ad. L. *secundus* following (hence favourable, prosperous, primarily of a breeze), next, second, f. root of *seui* to follow.

OE. had no proper ordinal for the number two (like G. *zweite*, Du. *tweede*, F. *deuxième*), the sense being expressed by *öber* (see OTHER *a.*); this being ambiguous, the Fr. word found early acceptance.]

A. adj.

1. *a.* Coming next after the first according to any contextually understood principle of enumeration (e.g. in order of time, position, rank, quality, conventional or arbitrarily adopted sequence): the ordinal corresponding to the cardinal two.

(a) with sb. expressed; also *predicatively*.

1297 R. GLOUC. (Rolls) 5724 In þe secunde 3ere pat he verst bissop was. 1303 R. BRUNNE *Handl. Synne* i. 9787 The secunde sacrament, y vnderstonde, y synne graunted of þe bysshop honde. c1386 CHAUCER *Sec. Nun's T.* 139 Eury secownde or priddy day sche faste. c1440 Jacob's *Well* 46 Here brekyst pou þe secunde tyme þe x. comandementes. 1507 *Acc. Ld. High Treas. Scot.* III. 290 The second day of Maii. 1549 *Compl. Scot., Epist.* Q. Grace 6 Numa pompilius, the second kyng of rome. 1588 SHAKS. *L.L.L.* I. ii. 183 The first and second cause will not serue my turne. a1674 CLARENDON *Hist. Reb.* XI. §151 The Convertine, a ship of the second rank. 1700 DRYDEN *Sigism. & Guisc.* 35 Youth, Health, and Ease, and most an amorous Mind. To second Nuptials had her Thoughts inclin'd. 1872 FITZGERALD *Omar* (ed. 3) iv. You know, my Friends, with what a brave Carouse I made a Second Marriage in my house. 1884 L.D. BRABOURNE *lett. Jane Austen* I. v. 87 Jane's picture of a clergyman is generally that of a second son who enters the profession in order to hold a family living.

(b) with ellipsis of sb. understood from the context.

a1300 *X Commandm.* 25 in E.E.P. (1862) 16 þe secunde [commandment] so is þis, sundai wel pat þe holde. 1387 TREVISIA *Hiden* (Rolls) II. 23 In Bretayn, beey many wondres... þe firste is at Petroum... þe secunde is at Stonhenge by sides Salisbury. c1470 HENRY WALLACE vii. 111 The fyrst writtynge was gross letteris of bras. The second gold, the thrid was silur schevne. 1636 HEYWOOD *Challenge Beauty* iv. Wks. 1874 v. 50 If you Would add a second to this curtesie. 1748 RICHARDSON *Clarissa* IV. 201, I liked her at first sight, and better at second. 1814 CARV *Dante, Inf.* xviii. 38 Ah! how they made them bound at the first stripe! None for the second waited, nor the third. 1858 *Chamb. Jnl.* 20 Nov. 334/1 In the first of which objects, by the way, they have succeeded much better than in the second.

b. *the second*: appended to a personal name to designate the second bearer of the name in a succession of persons (chiefly sovereigns, or

persons jocularly likened to sovereigns). Also (now rarely) used to designate one resembling the person to whom the name belongs (cf. 4 below).

c. 1386 CHAUCER *Man of Law's T.* 261 O Sowdanesse, roote of iniquite, Virago, thou Semyrame the secounde. 1535 STEWART *Cron. Scot.* III. 4 Henrie the second rang into his steid. The emprise sone. 1558 W. FORREST (title) Grisild the Second. [Meaning Kath. of Aragon.] 1735 JOHNSON *Lobo's Abyssinia, Descr.* i. 44 In the Reign of King John the Second. 1886 C. E. PASCOE *London of To-day* xviii. (ed. 3) 165 'Dick' Tattersall, or Richard the Second, the grandson of the founder. 1891 SMILES *Publisher & Friends* I. 29 John Murray the Second—the 'Anak of Publishers,' according to Lord Byron.

c. Gram. In *second person*: see PERSON sb. 8. Also in *second declension, conjugation*, and in names of tenses, as *second aorist, future, perfect*, where the reference is to a conventional order of enumeration adopted by grammarians.

By modern grammarians this method of designation has been almost entirely abandoned as regards tenses, and to a great extent as regards declensions and conjugations, descriptive terms being substituted for numerical.

1530 PALSGR. *Introd.* 31 Of the secunde conjugation. c. 1532 Du Ves *Introd. Fr. in Palsgr.* 1011 The Secunde Future. I shuld knele. 1580 HOLLYBAND *Treas. Fr. Tong.* Thirdly, the second perfect, *j'ay aimé*, I have loved. a 1637 B. JOHNSON *Eng. Gram.* xiv. (1640) 60 The second Declension formeth the Plurall from the Singular, by putting *n*. *Ibid.* xviii. 63 The second Conjugation. 1875 T. R. ARNOLD *Henry's First Lat. Bk.* 14 Verbs whose infinitive ends in *ere*, are of the second conjugation.

d. *absol.* The person or thing that has been mentioned in the second place. So in *Heraldry* (see quot. 1868).

1572 BOSSEWELL *Armorie* 114b, He beareth Argent, a fesse Gules, between three Eaglettes Sable, membred and beaked of the second. 1868 CUSANS *Her.* xi. (1893) 158 A tincture must never be mentioned twice in the same Blazon: should it occur again, it must be expressed as of the first (or field), of the second, of the last, &c., as the case may be.

2. a. Next in rank, quality, importance, or degree of any attribute, to (a person or thing regarded as first). Hence, in negative and limiting contexts, *Inferior (to none, only to...)*. [Cf. *L. nulli secundus*.]

c. 1374 CHAUCER *Troilus* v. 836 Troilus was neuere vn-to no wight As in his tyme in no degre secounde. 1590 SHAKS. *Com. Err.* v. 1. 7 Of very recent reputation sir... Second to none that liues here in the Citie. 1593... *Hen. VI.* i. ii. 43 Nay Elinor, then must I chide outright. Presumptuous dame, ill-nurter'd Eliaunt, Art thou not second Woman in the Realme? 1667 MILTON *P.L.* iii. 409 Regardless of the Bliss wherein hee sat Second to thee, offerd himself to die For mans offence. 1754 GRAY *Poisy* 95 Nor second He, that rode sublime Upon the seraph-wings of Extasy. The secrets of th' Abyss to spy. 1821 CANNING *Sp.* 2 Apr. (1828) IV. 306 Among the names he had missed one, now no more, never second in the zeal of his resistance. 1860 TENNENT *Story Gums* (1864) 233 In the search for improvement failures have a value second only to success. 1861 GEO. ELIOT *Let.* 17 May (1954) III. 414, I doing little else but feel eminently uncomfortable, for which... I have a faculty 'second to none'. 1872 YEATS *Growth Comm.* 40 Miletus was scarcely second to Tyre in luxury and wealth. 1961 J. HELLER *Catch-22* (1962) xi. 112 He would stand second to none in his devotion to country.

b. With following superlative: Having only one superior in the specified attribute. Cf. SECOND-BEST.

1533 Test. Ebor. (Surtees) VI. 41 My secunde grestest braspoite. 1880, etc. Second last [see LAST a. 1b]. 1910 W. M. RAINE *Bucky O'Connor* (1920) xx. 226 I'll agree to the second dearest in the world. 1959 J. KIRKPUR. *U. S. de Beauvoir's Memoirs of Dufail Daughter* II. 116 She was... the second eldest daughter. 1977 *World* 1972 XXVIII. 104 The second-youngest of the fluent speakers. 1979 *Nature* 15 Feb. 561/2 *Secernosaurus* is the second most primitive hadrosaur known.

c. In designations of office, denoting the lower of two, or the next to the highest of several persons holding the same office; e.g. *second captain, lieutenant* (see quotes.), *second lord* (of the Admiralty, etc.), *second master, mistress* (in a school), *second mate* (also in naut. slang phrases referring to measures of liquor), *officer* (in a merchant ship).

The Fr. expression *en second* (quot. 1702) occurs sometimes in Eng. official use in the 18th c.; 'officers en second' are mentioned, e.g. in the *London Gazette* 1716-20. Cf. SECOND v. 1.

1702 *Milit. Dict.* (1704). *Second Captain, or Lieutenant en Second*, one whose Company has been broke, and he is joyn'd to another, to act and serve under the Captain or Lieutenant of it... There are also Second Captains and Lieutenants of the First Creation, that is, who were never so in the other Companies... Second Lieutenants are much us'd among the Foot in France. 1709 *Land. Gaz.* No. 4543/2 The second Lieutenant, and Mr. Lawrence... were shot through the Body. 1797 *Encycl. Brit.* (ed. 3) X. 361/2 *Second Lieutenant in the Artillery*, is the same as an ensign in an infantry regiment... and must assist the first lieutenant in the detail of the company's duty. 1843 J. F. COOPER *Ned Myers* II. ii. 61 Putting a second-mate's nip of brandy into my glass. 1853 C. BIDE *Adv. Mr. Verdant Green* i. 6 The second master... 'licked a feller' for a false quantity. 1866 *School Life at Winchester Coll.* xiv. 177 *The Roll* which was published every November, giving a list of the entire establishment of the College, commencing with the Warden, Head master, (Informator,) Second master, (Hostiarius,) the ten fellows, three chaplains; the under masters [etc.]. 1923 L. MAGNUS *Jubilee Bk. Girls' Public Day School Trust* iv. 58 Her retirement coincided with that

of her Second Mistress, Mrs. Withiel. 1933 P. A. EADY *Hull Down* 99 He pulls a pint bottle out of the case, and drawing the cork pulls out a good Second Mate's four fingers. 1952 V. NOAKE *Hist. Alice Outley School Worcester* xiii. 140 Miss Spurling's successor... was Miss Hilda M. Roden, second mistress of the Stamford High School, Stamford, Lincs. 1967 S. WATERS *Indentures Indoried* xxxv. 232 A couple of second mate's pegs was usually enough to set us all singing. 1976 C. DEXTER *Last seen Wearing* xxx. 211 School masters, even experienced second masters, aren't all that highly recompensed.

d. *Mil. second in command*: holding a position only subordinate to the chief commander of an army or one of its subdivisions. Often *absol.* (quasi-sb.).

1776 W. HOWE *Let.* 7 June in 9th Rep. R. Comm. Hist. MSS. App. iii. (rev. ed.) 35 in *Parl. Papers* 1910 (Cd. 5038) XXXV. 675 The seniority of his rank... would have placed him second in command in Canada had he not been previously employed to the southward. 1837 CARLYLE *Fr. Rev.* II. iv. iii, Poor Commandant Gouvion, watching at the Tuileries, second in National command, sees several things hard to interpret. 1884 *Manch. Guard.* 6 Sept. 5 Baker Pasha will be appointed second in command and 'adjoint' of the Turkish Commander-in-Chief. 1939 C. S. FORESTER *Captain Hornblower, R.N.* xvi. 173 On his first commission his second-in-command had taken advantage of lapses on his part. 1982 *Observer* 16 Apr. 14/6 His second-in-command is a Sierra Leonean major.

e. *Mus.* Used to distinguish the next to the highest part in a piece of concerted music. Hence of a voice or instrument: *Rendering such a part*.

1724 *Short Explie. For. Wds. in Mus. Bks.* Violino Secondo, the Second Violin. 1746 TANSUR *New Mus. Gram.* 131 If you would set a Second Treble, or Cantus, Medium, or Counter, to any Piece of Musick that was before in Two Parts, to make Three Parts; let it begin from the Bass on some different Cord from the Tenor [etc.]. 1760 Second voice (see CONTRALTO 2). 1836 HICKSON *Singing Master* i. Pref. 4 The second parts will always be sung with most effect by boys between the ages of twelve and fourteen. 1888 W. S. GILBERT *Mikado* i. 15 Assuming the disguise of a Second Trombone, I joined the band in which you found me.

3. Having the degree of quality, fineness, etc. next to the best; of the second grade or class. Now only *Comm.* in certain customary uses.

In some applications there is also the notion of being produced by a second operation, after the best has been already obtained.

c. 1440 *Pallad.* on *Husb.* xii. 482 And after oil secounde Is maad, that on a sadder mylle is grounde. 1577 B. GOOGE *Heresbach's Husb.* iv. (1586) 184 The fragments of the Coame... heated and strained againe, doe make a secounde Hony. 1618 in *Archæologia* XLIV. 411 Item for second bread 2 o o. 1638 PENKETHMAN *Artich.* D4. When the second wheate (which is the Red being in meale) is sold for iiiil. the Quarter in the market. 1799 in *Spirit Publ. Jnrls.* III. 14 My coat... made of good second cloth. 1842 BISCHOFF *Woolen Manuf.* II. 124 We used to have a certain description of cloth for livery purposes, called second cloth, made of English wool. 1856 *Jnrl. R. Agric. Soc.* XVII. ii. 483 Each cow gives about 1 lb. per week of 'second butter', fetching 2d. per lb. less than the best. 1860 NEWLANDS *Carp. & Joiner's Assist.* Gloss. Second Bricks, bricks of a quality next to the finest mail stocks or cutters.

4. a. Other, another; additional to that which has already existed, taken place, been mentioned, etc. Often qualifying a proper name, to designate one who equals or closely resembles the bearer of the name.

c. 1375 *Sc. Leg. Saints* xxvi. (Nycholas) 1068 He tuk pe secound coupe in hand, & one pe altare fore offerand It set. 1500-20 DUNBAR *Poems* vii. 17 Welcum in were the second Iulius, The prince of knightheid, and flour of cheualry. 1558 W. FORREST *Grisild the Second* (Roxb.) 30 A famous kynge [Hen. VII.]. Called (in his tyme) the Seconde Salomon. 1580 GREENE *Menaphon* (Arb.) 62 And therewith her eyes distilled such abundance of teares, as... made her seeme a more than second Niobe. c. 1600 SHAKS. *Sonn.* lix. If their bee nothing new, but that which is, Hath been before, how are our braines beguiled, Which laboring for invention beare amisse The second burthen of a former child? 1784 *Rollad viii.* (1795) 49 Vansittart, thou, A second Hastings, if the Fates allow. 1805 SCOTT *Let. in Lockhart* (1837) II. ii. 59 Could any one bear the story of a second city being taken by a wooden horse? 1850 SIR F. MADDEN *Wycliffite Bible* List of MSS. No. 28, The Ma... has been corrected throughout by a second, but nearly contemporary scribe.

b. *Proverb: habit (or usage) is second nature.* Hence (without allusion to the proverb) to be (come as, etc.) *second nature* (to one): to be as if natural or instinctive. Occas. in ellipt. constructions without a vb.

The L. form, *consuetudo est altera (or secunda) natura*, is found in St. Augustine and Macrobius, and approximately in Cicero (see Lewis & Short s.v. *Natura*); the notion occurs in Aristotle (e.g. *Probl.* iv. xxvii, *Eth.* II. vii. x) and other Greek writers.

1390 *Gower Conf.* III. 23 For in Phisique this I finde, Usage is the secunde kinde. 1662 J. DAVIES *U. Olearius' Voy. Ambass.* 89 That habit being as it were converted into a second nature. a 1729 J. ROGERS *Nineteen* *Sonn.* xii. (1735) 254 Habits which... are become a kind of second Nature to him. 1821 SCOTT *Kenilto* xxxii. Those to whom long practice has rendered them [i.e. frivolous foppishness] a second nature. 1910 S. E. WHITE in *Sunset* Apr. 421/1 Bob... rolled over twice with the rapid, vigorous twist second-nature to a seasoned half-back. 1944 *Sun* (Baltimore) 28 Nov. 8/2 Civilian air defense comes as second nature to them. 1954 T. S. ELIOT *Confidential Clerk* II. 96, I do feel more at ease when I'm behind a desk: It's second nature. 1967 SINGHA & MASSEY *Indian Dances* xviii. 159 They become second nature to her when she is dancing.

c. *second self*: a friend who agrees absolutely with one's tastes and opinions, or for whose welfare one cares as much as for one's own.

After L. *alter idem*, Gr. ἄλλος αὐτός and ἑσπρος αὐτός (Arist. *Eth.* II. ix).

1586 T. B. La Primaud. *Fr. Acad.* (1594) i. 141 The mightie and inviolable bond of friendship, as of a second-selfe did constrain him to lend his care to his friend. 1665 BRATHWAIT *Comment Two Tales* (1901) 93, I will offer to your choice two things, wherein please your self, and you shall please me who am your second self. 1778 MISS BURNAY *Estuand* xxvi, As to Miss Mirvan, she is my second self, and neither hopes nor fears but as I do. 1851 LYTTON *Not so bad* i. 6 Ha, Softhead! my Pylades—my second self!

transf. c. 1600 SHAKS. *Sonn.* lxxiii. 8 Blacke night... Deaths second selfe that seals vp all in rest.

†5. 'Helpful, lending assistance' (Schmidt). *Obs.*

1611 SHAKS. *Wint. T.* II. iii. 27 Nay rather (good my Lords) be second to me.

6. a. *quasi-adv.* Secondly, in the second place (rare); as the second in succession. Also, †for the second time.

1382 WYCLIF *Gen.* xxvii. 36 The rijtis of my fyrst geting biorn he took a wey, and now secounde he hath vnder rayushide my benyson. 1536 CRAMMER in *Ellis Orig. Lett.* Ser. III. 111. 25 Secounde... I shewed the people that this thynge ought no thynge to move theym, for it was [etc.]. 1842 WHITEHEAD *R. Savage* (1845) II. vii. 27, I was confound first, and incensed second. a 1859 DE QUINCEY *Poeth. Wks.* (1891) I. 55 First, it was not to be too complete; second, even for this incompleteness it was not to be concentrated within a short time. *Mod. Mr. A.* opened the debate. Mr. B. spoke second.

b. ellipt. for *second class* (in travelling by rail, etc.).

1912 R. BROOKE *Let.* Jan. (1968) 334 The maids of the Ordinary Rich go second, with you and the normal me. 1937 W. H. SAUMAREZ SMITH *Let.* 10 July in *Young Man's Country* (1977) ii. 80 As I'm not getting Travel Allowance for this trip, I'd decided to travel 2nd. a 1976 A. CUNNINGHAM *Autobiogr.* (1977) vi. i. 280 Ladies travelling alone would never have travelled third class... Even ladies' maids always travelled second.

7. Combinations.

a. In syntactical combs. of a permanent nature or with special meaning (many of which are also used *attrib.* or as *adj.*, and are then written with hyphen), as *second cause, childhood, coming, course, cousin, death, †deliverance, empire, fiddle, fluxion, generation, house, intention, inversion, language, movable, notion, opinion, order, power, reading, secretary, sex, slip, story, string, subject, table, thought* (s. vote, water, wind, year (see these words); *second Adam, man Theol.*, titles given to Christ with ref. to 1 Cor. xv. 45, 47; *second advent Theol.*, the expected Second Coming of Christ as Judge (see ADVENT 2), hence *second adventist* = PREMILLENARIAN sb.; *second ballot*, a deciding ballot taken between the candidate who won a previous ballot without securing an absolute majority and the candidate with the next highest number of votes; also *attrib.* of an electoral system using this; *second banana slang* (orig. U.S.), a supporting comedian (cf. *top banana* s.v. TOP sb. 1 34); *second base* (see BASE sb. 1 15c); *second birth*, (a) *Theol.* = REGENERATION 2; †(b) = SECUNDINE 1; †(c) the entrance upon a new life after death; *second blessing* orig. U.S., an experience of God's grace subsequent to conversion, believed by some Christian groups to be the means of receiving the power to live a sanctified life; *second bottom*, (a) U.S., the first terrace above the normal flood plain of a stream; (b) *Austral.*, a second stratum of gold-bearing material found by sinking below the bottom (BOTTOM sb. 4 c); *second breakfast*, a light meal taken late in the morning or early in the afternoon; *second business* (see quot.); *second car*, an additional family car; *second chamber*, in a legislature consisting of two chambers, the one which has chiefly the function of revising the measures prepared and passed by the other; also *attrib.*; *second channel Radio* = IMAGE sb. 9; usu. *attrib.*; *second chop* (see CHOP sb. 4); *second cut a.*, (a) (see quot. 1846); (b) *Austral.* and N.Z., (the mark of) a blow made to remove badly-cut fleece; a piece of short or inferior wool produced by this; †*second day*, in Quaker usage, Monday; *second-degree Med.*, used to designate burns that are sufficiently severe to cause blistering but not permanent scarring (see quot. 1972); see also DEGREE sb. 6 d; *second division Civil Service*, the lower grade of government clerks, admitted by a competitive examination of more limited range than that prescribed for the higher division; *second feature*, the supporting feature in a cinema programme; also *fig.* and *attrib.*; *second finger*, the finger next to the forefinger, the middle finger; *second floor*, the floor or storey of a

X
(Definition 4.a.)